Application No. 09/895,291

Atty. Docket No. P11784
Examiner: Viet Q. Le
TC/A.U. 2667

REMARKS

Claims 1-5, 7-19, and 21-30 remain for reconsideration. Claims 6 and 20 have been cancelled without prejudice or disclaimer.

The Examiner has objected to the Information Disclosure Statement (IDS) filed in this case because the paper titled "Dialpad Communications" lacks a date. Applicants filed this paper in good faith compliance with their duty of candor. However, Applicants cannot supply the Office with a date, since the date of the paper is unknown. While the date may be unknown, it was filed with the application, so it may be safe to assume that the paper predates Applicant's filing date. The Examiner is therefore respectfully requested to consider this paper on the merits.

The prior art rejections are set forth as follows:

1. Claims 1-4, 7-11, 19 and 23 stand rejected under 35 U.S.C. 102(a) as being anticipated by ITU-T H.323 (hereinafter H.323);

2. Claims 5 and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view Dailpadhameleon (hereinafter Dailpad);

3. Claims 6, 12, 20, 14-18, 20 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of US 2004/0001479 A1 to Pounds et al.; and

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4. Claims 17, 24-28, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over H.323 in view of Pounds and Dailpad.

These rejections are respectfully traversed based on the following discussion.

Briefly, embodiments of the invention are directed to an Internet Protocol (IP) telephony system that includes a lightweight stimulus client configured to receive user input requesting an IP telephony service and communicate the received input over a packet-based network using a standard call control protocol. A call agent, executing on a remote server connected to the packet-based network, is configured to perform the requested IP telephony service based on the received input.

As stated in the application, for example in paragraph [0016], the use of a lightweight stimulus client in this environment provides several advantages. For example, because the stimulus client provides little or no telephony services locally, but rather passes on telephony service requests to be fulfilled by the feature server remotely, the stimulus client can be made very small, for example, on the order of 30 kilobytes as opposed to the roughly 1 megabyte or larger used for conventional telephony clients. In particular, the size of the stimulus client's stack (the software code, typically implemented as dynamically linked libraries (DLLs), that are invoked to provide telephony services) can be kept to a bare minimum. A small client stack size may be desirable both to client vendors and to end-users--client vendors tend to like it

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because a small stack generally simplifies development, maintenance and

distribution of client applications and end-users tend to like it because of

dramatically reduced client download times. Indeed, as a result of its small

size, downloading of the stimulus client can appear to end-users as being

virtually instantaneous. In contrast, a download of a large-stack client--

typically about 1 megabytes or larger--can take several minutes, especially

when the user has a standard telephone-line connection that is limited to 56

Kbps or slower. Consequently, users are likely to be much less resistant to

downloading the stimulus client because doing so entails little or no waiting

time.

It is noted that one of the features of the present invention involves

"using a stimulus client configured to receive user input requesting an Internet

Protocol (IP) telephony service...wherein the received user input comprises

Dual Tone Multi-Frequency (DTMF) input." (emphasis added). This, or

similar language is recited in all of the independent claims a filed or as now

amended.

The Examiner has relied on US 2004/0001479 to Pounds et al. to teach

this feature in combination with the various other references mentioned above.

However, it is noted that Pounds was filed on July 1, 2002. This is after the

filing date of the present application. Thus, Pounds does not qualify as prior

art under 35 U.S.C. 102 or 103 and is ineffective as prior art against claims in

the present application. Thus, the rejection is improper and must be

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withdrawn.

In future Office Actions the Examiner is reminded that to reach a proper determination under 35 U.S.C. 103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination.

Here, the Examiner's tendencies may be to simply find another reference that speaks of DTMF. However the Examiner is reminded that this application was filed a long, long time ago, relative to the recent proliferation of the Internet. In recent years, since the filing of this application, there has been much development in the area of telephonic communications over the Internet. So, what may seem obvious today given what now know, would not have been obvious at the time this invention was made. The Examiner must step back to days prior to June 29, 2001, difficult as that may be.

In view of the foregoing, it requested that the application be reconsidered, that claims 1-5, 7-19, and 21-30 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Should the examiner find the application to be other than in condition

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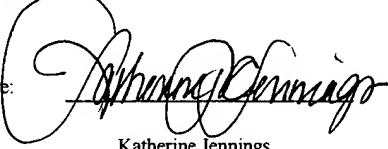Atty. Docket No. P11784
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for allowance, the examiner is requested to contact the undersigned at the local

telephone number listed below to discuss any other changes deemed necessary

in a telephonic interview.

Respectfully submitted,

/Kevin A. Reif/

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I hereby certify that this correspondence is being deposited with the United States Postal
Service as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

On: ___August 25, 2005___

Signature: _____

Katherine Jennings

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